~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 22, 2017

**S. 83**

Introduced by Senator Hembree

S. Printed 3/22/17--S.

Read the first time January 10, 2017.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 83) to amend Section 16-3-60 of the 1976 Code, relating to involuntary manslaughter, to include within the definition of involuntary manslaughter the sale or delivery of controlled substances, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 1, by striking line 39 and inserting:

/ must be imprisoned not more than 5 years.” /

Renumber sections to conform.

Amend title to conform.

MICHAEL FANNING for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced on January 10, 2017**

**State Expenditure**

This bill adds to the offenses that may be considered cases of involuntary manslaughter the unlawful sale or delivery of a controlled substance, controlled substance analogue, or other unlawful substance when the ingestion of such substance has caused the death of a user. It also increases the imprisonment time for those convicted of involuntary manslaughter from not more than five years to not more than fifteen years.

**Judicial Department.** This bill expands the definition of involuntary manslaughter to include the unlawful sale or delivery of a controlled substance, controlled substance analogue, or other unlawful substance when the ingestion of such substance has caused the death of a user. The department reports that during FY 2015-16, there were nine convictions for non-traffic related involuntary manslaughter and 3,365 convictions for drug offenses that included distribution, sale, and possession with intent to distribute. Due to the expansion of the definition of involuntary manslaughter, additional hearings and trials could be held in general sessions court and lead to a backlog of cases. While there is no data available to indicate the number of additional hearings or trials which may result, the department can manage any additional costs within current resources.

**Administrative Law Court.** A determination of the bill’s fiscal impact is pending, as the agency is still reviewing the bill.

**Prosecution Coordination Commission.** A determination of the bill’s fiscal impact is pending, as the agency is still reviewing the bill.

**Department of Corrections.** A determination of the bill’s fiscal impact is pending, as the agency is still reviewing the bill.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 16-3-60 OF THE 1976 CODE, RELATING TO INVOLUNTARY MANSLAUGHTER, TO INCLUDE WITHIN THE DEFINITION OF INVOLUNTARY MANSLAUGHTER THE SALE OR DELIVERY OF CONTROLLED SUBSTANCES, THEIR ANALOGUES, OR OTHER UNLAWFUL SUBSTANCES THAT CAUSE THE DEATH OF THE USER WHEN INGESTED, AND TO PROVIDE THAT A PERSON CONVICTED OF INVOLUNTARY MANSLAUGHTER MUST BE IMPRISONED NOT MORE THAN FIFTEEN YEARS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 16‑3‑60 of the 1976 Code is amended to read:

“Section 16-3-60. ~~With regard to the crime of involuntary manslaughter, criminal negligence is defined as the reckless disregard of the safety of others. A person charged with the crime of involuntary manslaughter may be convicted only upon a showing of criminal negligence as defined in this section. A person convicted of involuntary manslaughter must be imprisoned not more than five years.~~ Involuntary manslaughter is the death of a person caused by the criminal negligence of another, or the reckless disregard of the safety of others, which may include the unlawful sale or delivery of a controlled substance, controlled substance analogue, or other unlawful substance when the ingestion of such substance caused the death of the user. A person convicted of involuntary manslaughter must be imprisoned not more than 15 years.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor.

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